IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

CHARLES GONZALES,	§	
	§	
Plaintiff/Counter-Defendant,	§	
	§	
v.	§	
	§	
WILMINGTON SAVINGS FUND	§	
SOCIETY, FSB, D/B/A CHRISTIANA	§	
TRUST, NOT IN ITS INDIVIDUAL	§	Civil Action No. 4:18-cv-999
CAPACITY BUT SOLELY AS	§	
TRUSTEE FOR RMAC TRUST, SERIES	§	
2015-5T and	§	
RUSHMORE LOAN MANAGEMENT	§	
SERVICES LLC,	§	
	§	
Defendants/Counter-Plaintiffs.	§	

THE LANE LAW FIRM, PLLC'S UNOPPOSED MOTION TO WITHDRAW AS COUNSEL

TO THE HONORABLE COURT:

Robert C. Lane, Matthew W. Bourda, and the Lane Law Firm, P.L.L.C. ("Plaintiff's Counsel") ask this Court's permission to withdraw as Counsel for Plaintiff Charles Gonzales. This Motion encompasses any other counsel of record or any other attorney employed, previously employed, associated with, or previously associated with The Lane Law Firm, P.L.L.C. The Lane Law Firm, P.L.L.C. shows the following:

I. SUMMARY

1. The Southern District of Texas has ruled that "[t]he [C]ourt may permit withdrawal of counsel upon motion and under whatever conditions the [C]ourt finds necessary to prevent delay."

Tepeyac v. Robbins Motor Transportation, Inc., 2006 U.S. Dist. LEXIS 90000, *25 (S.D. Tex.)

2006), citing S.D. TEX. LOCAL R. 83.2. In *Tepeyac*, Magistrate Judge Smith cited Fifth Circuit precedent permitting withdrawal of counsel if the prosecution of a lawsuit would not be stalled and if good cause is shown. *Id.* (*citing Broughten v. Voss*, 624 F.2d 880, 882-83 (5th Cir. 1981)).

- 2. No trial date has been set for this case. No motions are pending. The Plaintiff has answered the Defendants' Counterclaim.
- 3. There is good cause for this Court to grant the Motion. Specifically, Plaintiff and Plaintiff's Counsel have come to an impasse regarding communication and prosecution of the case, counsel is unable to reach or contact the Plaintiff, Plaintiff has not paid counsel for their legal services, and Plaintiff has an outstanding balance.
- 4. Plaintiff's counsel has made multiple attempts to call, email, and write the to the Plaintiff and no attempts have been successful.
- 5. Plaintiff's last known address was 10434 Rocky Hollow Road, La Porte, Texas 77571, his last known phone number was (281) 781-3237, and his last known email was crg28crg@yahoo.com.

II. PRAYER

WHEREFORE, PREMISES CONSIDERED, Robert C. Lane, Matthew W. Bourda, and the Lane Law Firm, P.L.L.C. ask that this Court grant their Motion to Withdraw as Counsel for all Plaintiffs in the above-styled case.

Dated this 17th day of April 2018.

Respectfully submitted,

THE LANE LAW FIRM, P.L.L.C.

By: /s/Robert C. Lane
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CERTIFICATE OF CONFERENCE

On April 16, 2018 I reached out to Counsel for the Defendants via telephone regarding this Motion. Defendants are <u>unopposed</u> to the Motion.

/s/ Matthew W. Bourda
Matthew W. Bourda

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of April 2018, a true and correct copy of the above and foregoing instrument has been served upon the following, *via* ECF notification:

Crystal G. Roach

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